



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

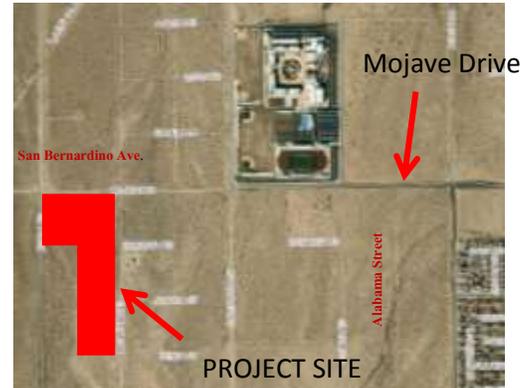
**HEARING DATE: January 22, 2014**

**AGENDA ITEM # 6**

Project Description

Vicinity Map

<b>APN:</b>	3132-011-01, 02, and a portion of 03
<b>Applicant:</b>	Dukomo Development
<b>Community:</b>	Adelanto 1 <sup>st</sup> Supervisorial District
<b>Location:</b>	South side of Mojave Drive, between Dunes Drive and Koala Road
<b>Project No:</b>	P201000114
<b>Staff:</b>	Jim Morrissey, Contract Planner
<b>Rep:</b>	Tom Steeno, Steeno Design Studio
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>A. General Plan Land Use District and Zoning Map Amendment from RL-10 (Rural Living, 10 acre min.) to CG (General Commercial) on 12 acres;</li> <li>B. Tentative Parcel Map 19259 to create 9 commercial parcels and a remainder parcel on 35.8 acres;</li> <li>C. Conditional Use Permit to establish 112,510 sq. ft. of office, retail, restaurant, and gas station &amp; convenience market on 12 acres, and;</li> <li>D. A variance to the street landscape setback</li> </ul>



47 Hearing Notices Sent On: January 8, 2015

Report Prepared By: Jim Morrissey

**SITE INFORMATION**

**Parcel Size:** 516,808 square feet 11.9 acres

**Site Characteristics:** Relatively flat unimproved property that contains typical vegetation pattern with undisturbed creosote bush, saltbush, rabbitbush, and cottonthorn. Both Mojave Drive and Koala Road are graded dirt roadways. Closest paved street is Mojave Drive, approximately 0.25 miles to the east adjacent to Adelanto High School.

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant, unimproved	RL-10 (Rural Living, 10 acre minimum lot size)
North	Vacant, unimproved	RL (Rural Living)
South	Vacant, unimproved	RL-10 (Rural Living, 10 acre minimum lot size)
East	Vacant, unimproved	RL-10 (Rural Living, 10 acre minimum lot size)
West	Vacant, unimproved	RL-10 (Rural Living, 10 acre minimum lot size)

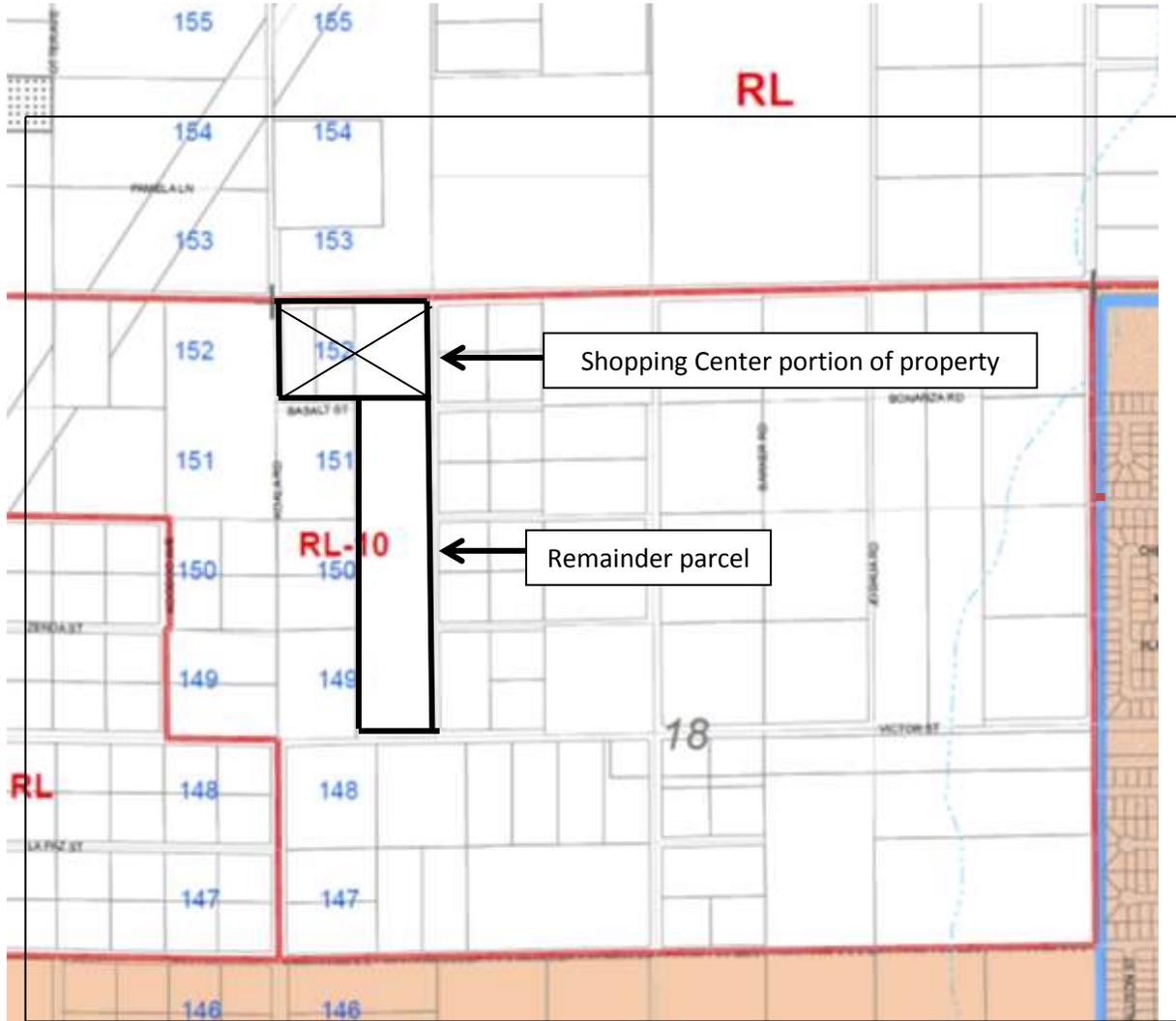
	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	City of Adelanto	Supports subject to annexation
Water Service:	City of Adelanto	Will Serve
Sewer Service:	City of Adelanto	Will Serve

**STAFF RECOMMENDATION:** That the Planning Commission make the following recommendations to the Board of Supervisors: ADOPT a Mitigated Negative Declaration, ADOPT the proposed Findings, APPROVE the General Plan District Amendment and Zoning Map Amendment, Tentative Parcel Map, Conditional Use Permit, and Variance subject to the attached Conditions of Approval and incorporated Mitigation Measures, and FILE the Notice of Determination.

## VICINITY MAP

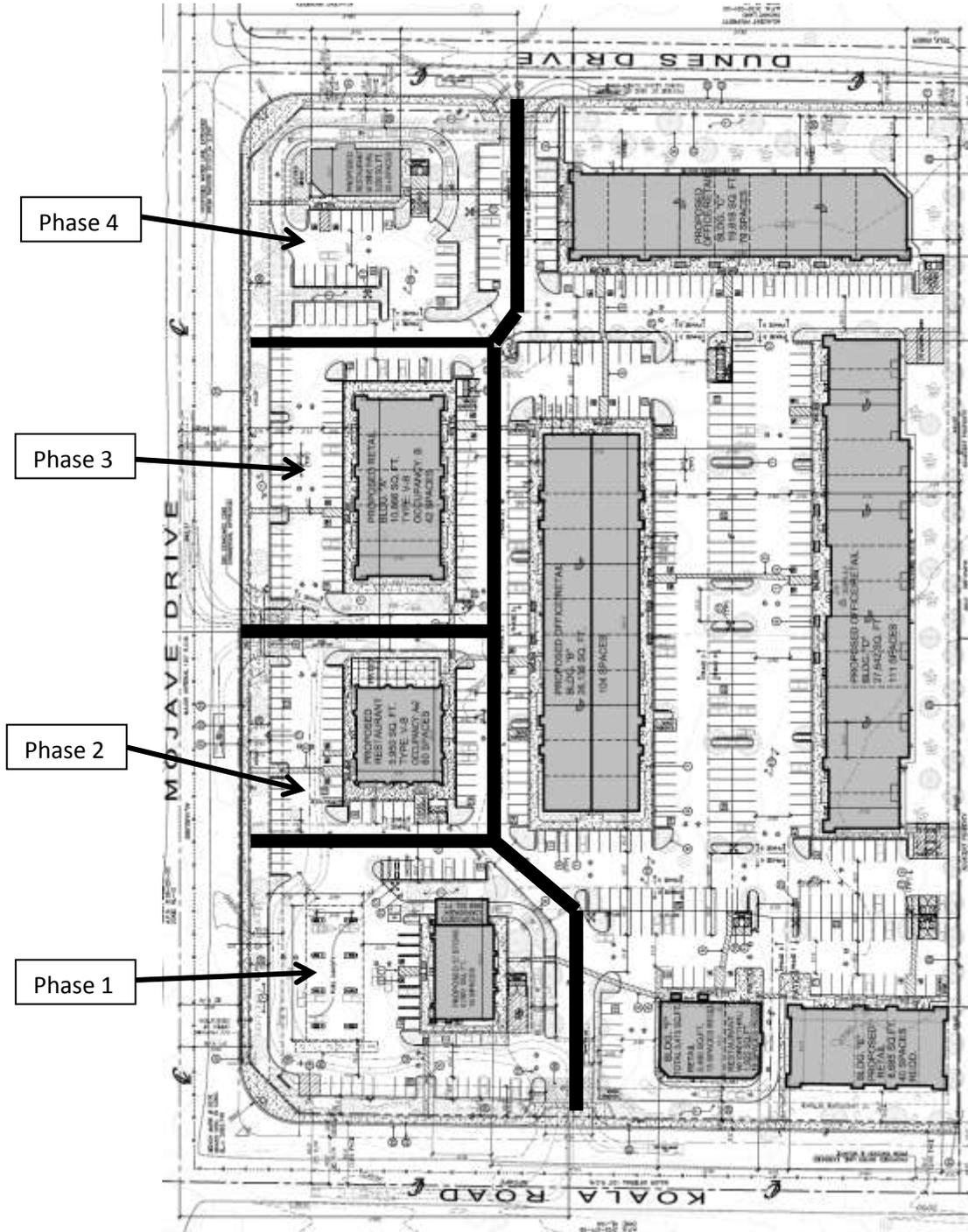


## OFFICIAL LAND USE DISTRICT MAP Zoning Designation



North

### PLOT PLAN Dukomo Development Plan With Initial Phasing Noted



## SITE PHOTOS DUKOMO DEVELOPMENT BUILDING SITE



1. Looking generally southeast through the project site from Mojave Drive near the northwest corner of the project site.



2. Looking south along Koala Road near the northwest corner of the project site on Mojave Drive.



3. Looking west along Mojave Drive near the northwest corner of the project site.



4. Looking northwest from Mojave Drive near the northwest corner of the project site.

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5. Looking north from the intersection of Koala Road and Mojave Drive.



6. Looking east from the intersection of Koala Road and Mojave Drive.

**PROJECT DESCRIPTION AND BACKGROUND:**

Project: The subject project is a 112,510 square foot shopping center (Project) on approximately 11.9 acres that has a number of related applications, including:

- General Plan Land Use District and Zoning Map Amendment: The existing Land Use District is RL-10 (Rural Living, 10 acre minimum lot size) and is proposed to change to CG (General Commercial) to provide for a proposed 12 acre shopping center.
- Conditional Use Permit (CUP): A CUP to provide for a 112,510 square foot shopping center.
- Tentative Parcel Map No. 19259: A tentative parcel map to subdivide and reconfigure two (2) parcels and a portion of another parcel to create nine (9) new parcels and a remainder parcel.
- Variance: A variance to provide for a reduced landscape setback along the perimeter streets from 25 feet to 15 feet.

Location and Access: The Project site is located on the south side of Mojave Drive in an unimproved area. Access to the Project site will be provided from each surrounding roadway to the north (Mojave Drive), west (Koala Road), and east (Dunes Drive). The proposed development sequencing would occur initially along Mojave Drive, from the northwest corner easterly. A paved road section would be required to extend from the project site to the closest existing paved roadway, which is currently adjacent to the Adelanto High School at Calendula Street and Mojave Drive, approximately 0.25 miles to the east.

Environmental Setting: The Project site is relatively flat with Creosote bush the predominate vegetation. Mojave Drive and Koala Road currently exist as graded dirt roadway, utilized by the general public.

An Initial Study/Proposed Mitigated Negative Declaration was distributed for review in December 2013 to the State Clearinghouse. Subsequent to the completion of the environmental review period, the proposed project was reviewed by the County's Development Review Committee (DRC)

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on March 5, 2014. Based upon that meeting changes were undertaken to the project design, project size, and an update to the previously prepared *Water and Sewer Feasibility Study* was completed by the City of Adelanto. The City of Adelanto would be the agency responsible for providing water and sewer services to the project, although the site is within the unincorporated area. Annexation to the City's service area would be required as part of the project development. The Local Agency Formation Commission (LAFCO) requested the updated water and sewer study and a modification to the Initial Study referencing them as a "Responsible Agency" under the California Environmental Quality Act (CEQA) at the DRC Meeting. The updated report has been incorporated into the revised Initial Study and was recirculated for review in December 2014.

Both the Dukomo and Lilac & Wellspring projects were updated and advertised at the same time.

### **ANALYSIS:**

The proposed project is located within an undeveloped area, without paved roadways. The closest paved roadway is Mojave Drive, approximately ¼ mile to the east adjacent to the recently constructed Adelanto High School. Access to the site is currently provided by graded dirt roadways extending along Mojave Drive on the north side of the site and Koala Road on the west. The project site is within the City of Adelanto Sphere of Influence.

The proposed project involves the following requests:

- Land Use District and Zoning Change from RL-10 to CG (General Commercial).
- Tentative Parcel Map to subdivide the property into nine (9) separate parcels and one (1) remainder parcel.
- Conditional Use Permit to provide for the establishment of a commercial shopping center.
- Variance to reduce the landscape setback along adjacent roadways from 25 feet to 15 feet.

### **Consistency with General Plan and Zoning Regulations:**

The proposed project is within the Sphere of Influence of the City of Adelanto. A copy of the City's General Plan Land Use and Zoning Map is provided on the next page. The description of the General Commercial (CG) Land Use Zoning District in the County General Plan states the following:

#### ***Purpose***

Provide appropriately located areas for stores, offices, service establishments, and amusements offering a wide range of commodities and services scaled to meet neighborhood and community needs.

#### ***Locational Criteria***

- Concentrated retail business and service areas that supply daily community commercial needs.
- Areas of retail commercial uses in central business districts providing local and regional trade services.
- Areas adjacent to a major arterial street, highway, or freeway or at the intersection of two major arterial streets.

Goal D/LU 3 and Policies D/LU 3.1 and 3.2 of the Desert Region Goals and Policies of the Land Use Element are applicable to the proposed project and state as follows;

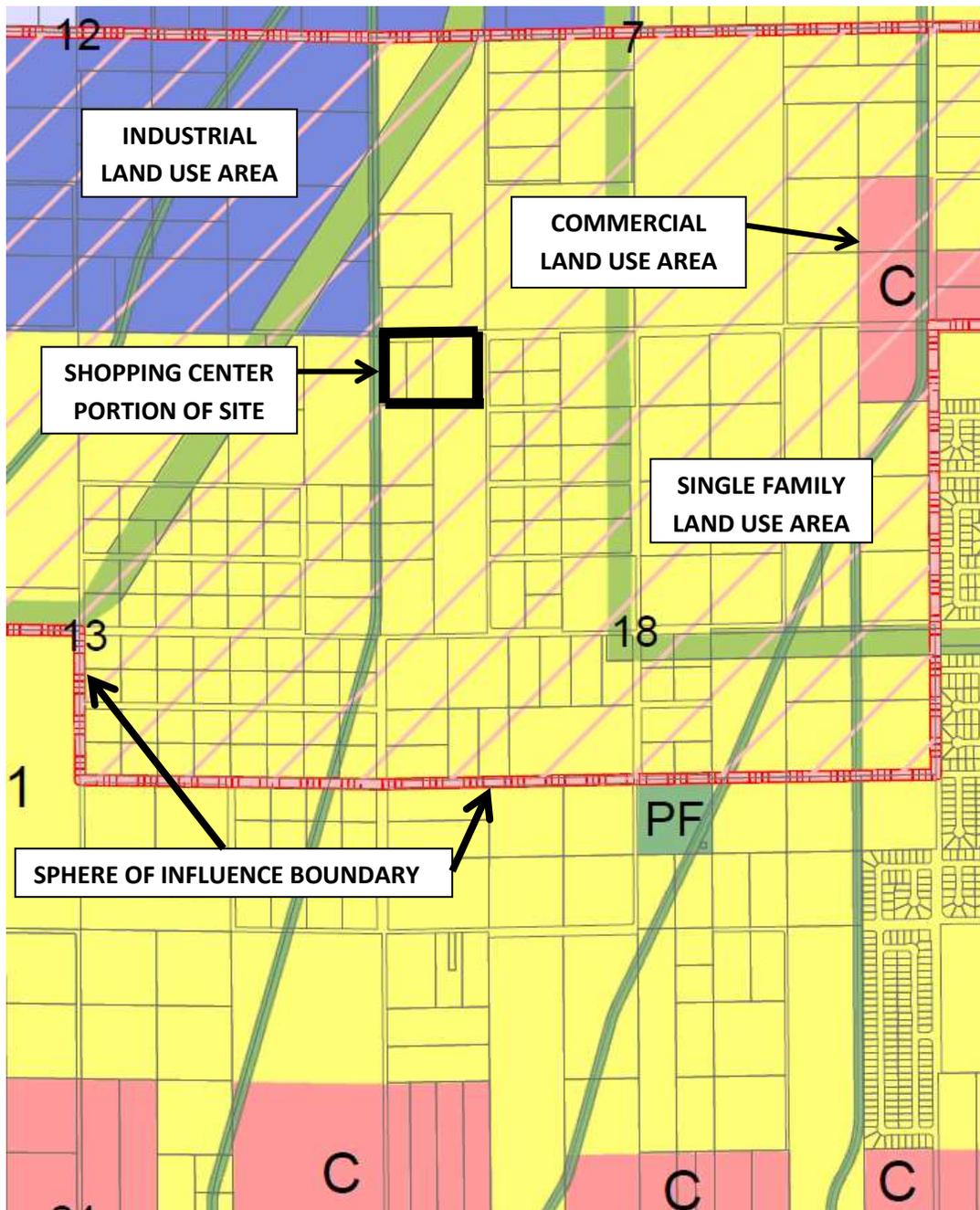
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Goal D/LU 3: Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.

Policy D/LU 3.1: The County shall develop standards for commercial development within the region to best reflect the character of the region. Standards may include, but not be limited to signage, screening, pedestrian access, parking, and buffering between adjacent land uses.

## CITY OF ADELANTO GENERAL PLAN AND ZONING MAP

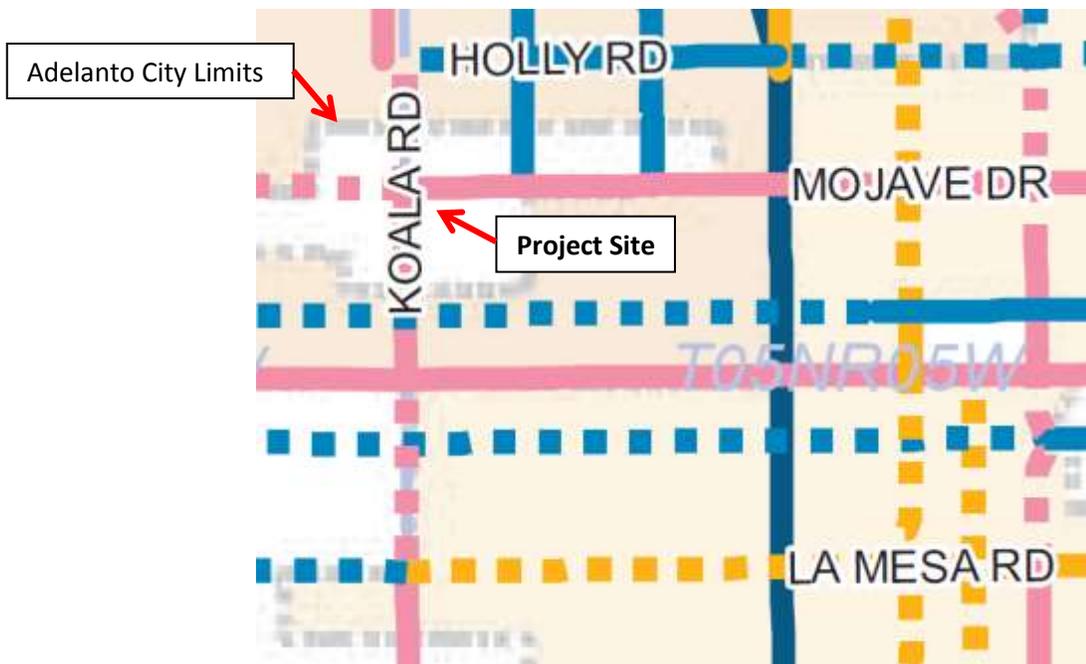


A comparison of the County Land Use District and City of Adelanto General Plan Land Use District is provided below.

	<b>County Land Use District</b>	<b>Adelanto Land Use District</b>
Project Site	RL-10	R-1 Single Family, Industrial to the northwest
North	RL	R-1 Single Family
South	RL-10	R-1 Single Family
East	RL-10	R-1 Single Family
West	RL-10	R-1 Single Family

Policy D/LU 3.2: Avoid strip commercial development along major roadways within the region that would detract from the rural character by encouraging the development or expansion of commercial uses within core areas. Commercial uses shall be compatible with adjacent land uses and respect the existing positive characteristics of the region and its natural environment.

### COUNTY CIRCULATION MAP



The project site is located at the intersection of two (2) major arterials and within an area planned for both residential and industrial uses. The project is not a strip center due to its depth and the variety of uses proposed. The project site is also not adjoining any planned commercial areas.

### ***City of Adelanto Comments***

Two (2) letters were received from the City of Adelanto on the proposed project. The first letter stated that the City did not support the Project. The second letter, from the City Manager indicated that a pre-zoning and annexation proposal should be submitted to the City. The City Planning Commission reviewed the Project to provide comments, and the conditions of approval require annexation to the City prior to issuance of building permits.

These conditions also reflect CEQA mitigation measures to ensure adequate water and sewer services are provided to the project.

### **Conditional Use Permit:**

#### ***General Use Characteristics***

The proposed project provides for a variety of uses in nine (9) separate buildings, including gasoline station, car wash, convenience store, several drive-through restaurants, a sit-down restaurant, retail, and office. Some proposed buildings provide for a combination of uses, such as office/retail, retail/drive through restaurant, and convenience store/gasoline station. The project is intended to be phased with each building along Mojave Drive identified as being within a separate phase, starting with the gasoline station and convenience store in the first phase and then each of the adjoining buildings to the east in phases 2 through 4 proceeding in an easterly direction, as shown on the Plot Plan in this report. Subsequent phases include the middle building, the remaining buildings along Koala Road, the rear building, and the last phase is the remaining building on Dunes Drive.

#### ***Public Improvement Characteristics***

Access to the site will be provided from each surrounding roadway and improvements will be phased concurrently with building construction to ensure adequate public road, drainage improvements, and fire access. The initial development of the project site will require not only required public street improvements adjoining the project site on Mojave Drive and Koala Road, but also a 26' paved roadway extending to the nearest maintained paved road. At this time the closest paved roadway is on Mojave Drive, approximately ¼ mile from the project site. As such, the construction of the gasoline station and convenience store in Phase 1 will require half-width street improvements and a paved 26' roadway section extending to Calendula Street. Other phases will require the completion of half-width portions of each surrounding roadway.

#### ***Internal Design Characteristics/Features***

The General Commercial (CG) District requires 25' building setbacks along front and side streets. All building setbacks meet Code requirements. Setback areas are also required to be landscaped (Section 83.10.060 (a)(1)). As such, the required perimeter landscape width is 25'. In this instance the project has proposed a 15' wide landscape setback along all project perimeter streets. The applicant has requested a variance from this County standard to permit the change in setback. The effect of reducing the landscape setback is that parking spaces adjacent to the landscape areas will be placed within the 25' setback area. The Development Code prohibits parking within the front yard setback (Section 83.11.030 (a)). Staff believes the variance for a reduction in landscape width

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within the front yard also incorporates the placement of parking within the front yard, since it is directly related to the type of uses found within a shopping center.

The project has proposed internal driveway widths that exceed the minimum widths of 24' for 90 degree parking spaces, in a number of instances a width of 30' or more has been provided.

**Table 1: Dukomo Building Parameters**

<b>Building Area</b>	Retail and Office uses	112,510 sq. ft.	
<b>Parking Required</b>	Retail and Office/Retail: 96,637	1/250 s.f.	48 Stalls
	Sit Down Restaurant: 5,950	1/100 s.f.	60
	Fast Food Restaurants: 4,955	1/100 s.f.	49
	Convenience Market/Gas Station	1/250 s.f.	16
	Disabled Parking	Variable	30
	<b>Total Required Parking</b>		<b>510</b>
<b>Parking Provided</b>	Standard Spaces		510
	Parallel Spaces		3
	Disabled Parking		30
	<b>Parking Provided</b>		<b>543</b>
<b>Landscaping</b>	Required 20 %	Provided: 103,878 s.f. 20.2 %	
<b>Building Setbacks</b>		Required	Provided
	Front	25'	45'
	Side Streets	25'	27' & 30'
	Rear	10	10'
<b>Building Height</b>	35 Feet	35 Feet	
<b>Floor Area Ratio</b>	Maximum FAR .5	Project FAR .22	

**Tentative Parcel Map 19259:**

The applicant has filed a tentative parcel map with nine (9) parcels and a remainder parcel in which each proposed building will be on a separate parcel. The proposed parcel lines are generally located within the driveway and parking area. The minimum lot size in the CG District is five (5) acres, but may be less if filed concurrently with a Conditional Use Permit. A reciprocal access agreement has been required as part of the tentative parcel map conditions to permit unrestricted movement between parcels for pedestrians and vehicles.

**Variance:**

As noted above in the Conditional Use Permit discussion, a variance has been requested to permit a reduction in the required perimeter landscaping. The Planning Commission has approved a reduction in perimeter landscaping for projects in the Desert region due to the climate and the fact the project is surrounded by streets, requiring not only a 25' landscape setback for the front yard, but also the side yards which also front on streets.

**Environmental Evaluation:**

The proposed project has included the preparation of several Initial Studies that were distributed in December 2013 and December 2014, with the following technical studies that included an updated version of the Water and Sewer Feasibility Study in the most recent distribution:

- Traffic Impact Analysis, Hall & Foreman, Inc., dated August 15, 2012.
- RCA Associates, LLC: *Focused Desert Tortoise Survey* dated September 5, 2013.
- RCA Associates, LLC: *Habitat Assessment for Mojave Ground Squirrel* dated September 5, 2013
- *City of Adelanto Water and Sewer Feasibility Study*, dated June 25, 2014.

The original distribution of the Initial Study included a *Water and Sewer Feasibility Study* prepared in 2010. At the March 2014 Development Review Committee Meeting representatives of the Local Agency Formation Commission (LAFCO) indicated the water and sewer study were outdated and needed to be updated. In addition, LAFCO indicated they needed to be listed as a Responsible Agency, under the California Environmental Quality Act (CEQA), since they are responsible for approving the “out-of-agency” service agreement to allow Adelanto to provide water and service to the project site and would need to evaluate the approve the agreement. The applicant contracted with the City to update the study and the Initial Study was revised to reflect LAFCO as a Responsible Agency and incorporate the new study. The 30-day public review period concluded on January 5, 2015.

### **Environmental Issues:**

#### ***Traffic Impacts***

The proposed project will require the following improvements and fair-share costs:

- Design and construct the intersection of Mojave Drive and Koala Road as an all-way stop control. 4.0% fair share improvements estimated to be \$8,000.00.
- Design and construct the intersection of Mojave Drive and Aster Road with the following:
  - ✓ Traffic signal.
  - ✓ Left turn lane, a through lane and a right turn lane in the eastbound, northbound, and southbound directions.
  - ✓ One through lane and a shared through/right turn lane for westbound traffic.
- Design and construct the intersection of Mojave Drive and Verbena Road, based upon a fair share percentage of 49.6% (estimated to be \$320,202.00), with the following:
  - ✓ Traffic signal.
  - ✓ Left turn lane, two (2) through lanes and a right turn lane in the eastbound, direction.
  - ✓ Left turn lane, one through lane and a shared through/right turn lane for northbound traffic.
  - ✓ Left lane and a shared through/right turn lane in the southbound direction.

The Traffic improvements listed above are required prior to occupancy of first building constructed.

#### ***Desert Tortoise and Mojave Ground Squirrel Assessments***

Studies were undertaken to determine the potential for Mojave Ground Squirrel and Desert Tortoise to exist on the subject property. In 2010 a study was undertaken to determine the potential for the Mojave Ground Squirrel. A subsequent study was prepared in 2013 to update the previous study due to the length of time that had transpired since its completion. A Focused Survey Desert Tortoise Survey was also conducted in 2013. Both reports found the site suitable for each habitat. However, no tortoise sign were observed and population levels for each species are very low in the area/region and no species were documented in adjacent habitat areas.

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### ***Water and Sewer Service***

Water and sewer service will be provided by the City of Adelanto. The June 25, 2014 report indicated the applicant will be responsible for the installation of improvements and the payment of fees, including:

- Construction of an 18-inch water distribution pipeline along Raccoon Avenue (about ¼ mile east of project site), with connecting 12-inch water pipelines along the Koala Road frontage and along Mojave Drive that will link with the Raccoon Avenue pipeline.
- Construction of a 12-inch collector sewer along Mojave Drive and an eight (8) inch sewer along Stevens Street (Joshua Road), north of Mojave Drive, about ½ mile east of the project site.
- Water and sewer connection fees estimated at this date to be \$223,155 and \$82,483, respectively.

### **SUMMARY:**

The proposed land use change and development is consistent with the General Plan and County Development Code, with the exception of perimeter landscaping for which a variance has been requested. The applicable General Plan goal and policies include locational criteria at the intersection of two (2) Major Arterial Highways and avoiding a strip center design, which have been met. The subdivision design is compatible with development criteria and consistent with the design of the proposed Conditional Use Permit (CUP). The CUP provides for the establishment of a shopping center with a variety of retail and office uses, including drive-through and site-down restaurants and a gasoline station and adequate parking and access for each use, and adequate overall site landscaping.

**RECOMENDATION:** That the Planning Commission make the following recommendations to the Board of Supervisors:

- A. **ADOPT** a Mitigated Negative Declaration and find that the Draft Initial Study has been completed in compliance with CEQA, that is has been reviewed and considered prior to the Project and that the Draft Initial Study/Mitigated Negative Declaration reflects the independent judgment of San Bernardino County;
  - B. **APPROVE** the following applications:
    1. General Plan Land Use District and Zoning Map Amendment from RL-10 (Rural Living) to CG (General Commercial) on approximately 12 acres;
    2. Tentative Parcel Map No. 19259 to create 9 commercial parcels and a remainder parcel on approximately 35.8 acres;
    3. Conditional Use Permit to establish 112,510 sq. ft. of speculative office/retail/restaurant and gas station & convenience market space on approximately 12 acres, and;
    4. A variance to the street landscape setback.
  - C. **ADOPT** the proposed Findings for approval of the following applications:
    1. Tentative Parcel Map No. 19259 per Development Code Section 87.020.60;
    2. Conditional Use Permit per Development Code Section 85.06.040; and
    3. Variance per Development Code Section 85.17.060.
  - D. **FILE** a Notice of Determination.
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**ATTACHMENTS:**

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Draft Initial Study/Mitigated Negative Declaration
- Exhibit D: CEQA Comments and Response to Comments

**EXHIBIT A  
FINDINGS**

## **FINDINGS: GENERAL PLAN AMENDMENT**

A General Plan Amendment for approximately 12 acres from RL-10 (Rural Living, 10 acre minimum lot size) to CG (General Commercial to accommodate the construction of several shopping centers, totaling 112,510 square feet (Project) on approximately 12 acres.

1. The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan or applicable specific plan, because it is consistent with the following goal and policies of the County General Plan:

Goal D/LU 3 – Ensure commercial development is compatible with the rural desert character and needs of local residents.

Goal Implementation: The proposed Amendment will allow neighborhood commercial uses within a planned residential area.

Policy D/LU 3.1 – Develop standards for commercial development within the region that best reflect the regional character.

Policy Implementation: The proposed Project is designed to meet Desert development criteria, including placement of commercial land uses at the intersection of Major Arterial Highways, and development criteria, such as setbacks and area landscaping, with the exception of street frontage landscape setback areas.

Policy D/LU 3.2 – Avoid strip commercial development along major roadways.

Policy Implementation: The depth and size of the site provides for a wide variety of uses and business sizes and avoids a “strip center” configuration.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the proposed Project includes concurrent development applications and appropriate mitigation measures and conditions of approval for each application that are designed to protect the public health and safety and respond to potential environmental concerns, such as annexation to the City of Adelanto Public Utility Agency for public water and sewer service.
  3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised, because the proposed amendment will be located in an area planned for future residential development.
  4. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area, because the proposed amendment will place commercial development at the intersection of major roadways, which would be accessible to area residents and within an area planned for residential development.
  5. The proposed land use zoning district change does not conflict with provisions of this Development Code, with the exception of street frontage landscape setback areas, because the site conforms to the size, design, and location criteria specified for the
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Desert region and will be compatible with other commercial development approved by the County, utilizing a variance to reduce street setback landscaping.

6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property, because the building setbacks provided, street improvements proposed, and recommended conditions of approval will ensure compatibility with adopted County development standards and environmental criteria identified through the completion of an Initial Study and associated technical studies.
7. The affected site is physically suitable in terms of design, location, shape, size operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located, because the site is conditioned to receive water and sewer service from the City of Adelanto Public Utility Agency. Fire and police protection will be provided by the County Fire and Sheriff's Department. Solid waste will be collected by the local waste hauler and adequate landfill capacity exists within the Victorville and Barstow Sanitary Landfills to meet projected future demand. The site has been designed to provide adequate drainage control and such improvement has been evaluated and determined to be less than significant.
8. The Environmental Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project. The Project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures.

#### **FINDINGS: TENTATIVE PARCEL MAP 19259**

Tentative Parcel Map for the subdivision of approximately 12 acres into nine (9) parcels and a remainder parcel for commercial purposes, specifically, to accommodate the construction of a shopping center, totaling 112,510 square feet (Project) on approximately 12 acres.

1. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan, because the subdivision, in conjunction with a proposed General Plan Amendment from RL-10 (Rural Living, 10 acre minimum lot size) to CG (General Commercial) and a Conditional Use Permit for the development of a commercial shopping center, will provide a land use district in which the lot sizes and design features are appropriate for such a development and consistent with both the County's CG (General Commercial) Land Use District and Development Code.
  2. The site is physically suitable for the type and proposed building density of development, because the land is relatively flat with no unique features or easements that would adversely affect or impede development of the project site, adequate public services can be provided to the project site from existing facilities and services, including water and sewer
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services upon annexation to the City of Adelanto Public Utility Authority, and traffic improvements and fees identified in the *Traffic Impact Analysis* are to be paid to ensure adequate vehicle access is available to the project site.

3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because Mojave Drive, Koala Road, and Dunes Drive are currently graded traveled roadways utilized by the public, and no biological resources have been identified based upon the completion of *Desert Tortoise Survey* and a *Habitat Assessment for Mojave Ground Squirrel*.
  4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems, because the site location, the subdivision design, and the development intensity proposed are such that hazards from flood, fire, noise, and other potential public health hazards are deemed minimal with the implementation of the proposed conditions of approval and mitigation measures.
  5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision, because the conditions of approval shall require that public right of easements will not be interfered with and a statement of concurrence shall be provided from utility companies whose easements may be affected by the proposed development.
  6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Control Board, because wastewater from the proposed project will be treated by the City of Adelanto through connection to the City's sanitary sewer system.
  7. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities, because the proposed map will conform to Land Use District development standards, which provide adequate building setback and separation criteria that allow adequate opportunity for the use of solar technology, the use of which is encouraged by design considerations listed on the Composite Development Plan.
  8. The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law, because the size and shape of the lots conform to the standard regulations set forth in the Development Code and the appropriate agencies (including Land Use Services, County Fire, and Public Works) have reviewed the proposed project design and the proposed conditions and mitigation measures.
  9. There is no substantial evidence that the Project will have a significant effect on the environment, because an initial study has been completed, which included the preparation of a *Desert Tortoise Survey*, *Habitat Assessment for Mojave Ground Squirrel*, *Traffic Impact Analysis*, and *Sewer and Water Feasibility Study Update*, and a Mitigated Negative Declaration is recommended for the proposed Project based staff's independent evaluation and judgment that the project will not have a significant adverse impact on the environment with the implementation of all the conditions of approval and environmental mitigation measures.
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## **FINDINGS: CONDITIONAL USE PERMIT**

Conditional Use Permit for the construction of a 112,510 square foot commercial shopping center on approximately 12 acres.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other features pertaining to the application, because the proposed project is of adequate size and area to accommodate the proposed commercial facility and meet all development standards of the CG (General Commercial) District, with the exception of the landscape setback adjacent to perimeter streets. The proposed use has provided additional parking spaces beyond those required to provide for subsequent changes in tenant occupancy.
  2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use, because half-width improvements required for the surrounding streets are to occur at appropriate times to ensure that adequate site access and improvements exist adjacent to the Project site, and a paved roadway will be extended from the project site to connect with an existing paved roadway to provide adequate off-site and emergency access.
  3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance, because the Project has been designed to meet required building setbacks adjacent to residential uses, has been evaluated through the completion of an Initial Study that did not identify potentially significant environmental effects in conjunction with noise, vibration, traffic or other disturbances through the inclusion of appropriate conditions of approval, and the proposed commercial use is compatible and appropriate adjacent to existing single family and industrial land use districts. In addition, the use will not interfere with the present or future ability to use solar energy systems, because the building height and design will allow for the inclusion of such systems, should they be desired.
  4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan, because the project site is located at the intersection of several Major Arterial Highways, can be served by full urban services and infrastructure facilities, and is consistent with the Locational Criteria requirements of the General Commercial (CG) Land Use Zoning District in the County General Plan.
  5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels, because the proposed Project will be provided water and sewer service by the City of Adelanto and will be required to construct road improvements and contribute to the Regional Transportation Mitigation Facilities Fee Plan to provide other needed improvements in the area.
  6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare, because the conditions of approval include measures to reduce potential traffic impacts and enforce performance standards.
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7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, because the height and design of the buildings will allow for the installation passive solar heating capabilities.

**FINDINGS: VARIANCE**

A variance is proposed to reduce the landscape setback along adjoining perimeter streets from 25 feet to 15 feet for the proposed construction of a commercial shopping center, totaling 112,510 square feet (Project) on approximately 12 acres.

1. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems, because the reduction in the depth of perimeter landscaping along adjoining streets from 25 feet to 15 feet will not reduce compliance with building setbacks nor increase the proximity of uses to adjoining properties and the site will continue to be separated from adjoining properties/land uses by surrounding streets.
  2. There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district, because the site is large and the extent of landscaping along each frontage would utilize significant land area that is not normally affected when development adjoins the interior side yards of adjacent development, yet still maintain 20 percent total site landscaping requirement.
  3. The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district, because the Project provides total site landscaping consistent with Development Code requirements.
  4. The granting of the Variance is compatible with the maps objective policies and program and general land uses specified in the General Plan and any applicable specific plan, because the Project provides substantial depth in proportion to its width that avoids a strip center design style that would detract from the rural character of the area as recommended in the General Plan.
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